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Attorneys for Defendant
ARTISAN PARTNERS LIMITED PARTNERSHIP,
a Delaware limited partnership

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ARTIS CAPITAL MANAGEMENT, LLC,
a California limited liability company,

Plaintiff,

v.

ARTISAN PARTNERS LIMITED
PARTNERSHIP, a Delaware limited
partnership,

Defendant.

Case No. C 06 1663

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT AND
[PROPOSED] CASE MANAGEMENT
ORDER**

Complaint Filed: March 2, 2006
Judge: District Judge William Alsup

The parties submit the following in support of their Joint Case Management Conference Statement and Proposed Order.

(a) JURISDICTION & VENUE:

The parties do not dispute jurisdiction as proper under 28 U.S.C. §1331 and §1338, 15 U.S.C. § 1114(1) and 28 U.S.C. §§ 2201-2202.

(b) BRIEF DESCRIPTION OF CLAIMS AND DEFENSES:

Artisan Partners Limited Partnership (“Artisan”) is the owner of the federally-registered service mark ARTISAN (U.S. Reg. No. 2,003,659). Artisan alleges that Artis Capital Management, LLC (“ACM”) has infringed Artisan’s rights through the use of “ARTIS” and “ARTIS CAPITAL MANAGEMENT” in connection with ACM’s business.

The main issue in this case is whether ACM should be enjoined from any further use of “ARTIS” and “ARTIS CAPITAL MANAGEMENT” in connection with ACM’s business.

ACM filed this action seeking declaratory judgment pursuant to 28 U.S.C. §§2201-02. Artisan filed counterclaims for trademark infringement pursuant to 15 U.S.C. §1114, false designation of origin pursuant to 15 U.S.C. §1125(a)(1), unfair business practices pursuant to Cal. Bus. & Prof. Code §17200, false advertising pursuant to Cal. Bus. & Prof. Code §17500, common law unfair competition and common law trademark infringement. Neither party is seeking damages.

Prior to filing this lawsuit, ACM filed a service mark application for ARTISAN CAPITAL MANAGEMENT, LLC (U.S. Serial No. 78/387,768), and Artisan filed a Notice of Opposition with the U.S. Trademark Trial & Appeal Board seeking to prevent such registration (Opp. No. 91168006). The opposition proceeding has been suspended by stipulation of the parties pending the outcome of this litigation.

(c) SUMMARY OF PROCEEDINGS TO DATE:

This case was initially assigned to Magistrate Judge Patricia V. Trumbull. At the request of the parties, Judge Trumbull continued the initial case management conference to allow the parties to engage in settlement negotiations. On November 9, 2006, ACM filed a Declination to Proceed Before a U.S. Magistrate Judge and Request for Reassignment to a United States District

Judge. The case has not yet settled, although settlement discussions are ongoing.

The parties are in the process of agreeing on a form of Protective Order, and have agreed to a proposed schedule for Initial Disclosures and discovery, as set forth below.

(d) PENDING MOTIONS:

Currently, no motions are pending.

(e) MAJOR MOTIONS EXPECTED BEFORE TRIAL:

The parties expect to file Summary Judgment Motions.

(f) PARTIES TO BE ADDED OR DELETED:

None.

(g) EVIDENTIARY, CLAIM CONSTRUCTION OR CLASS CERTIFICATION EXPECTATIONS:

None.

(h) EXTENT OF COMPLIANCE WITH EVIDENCE-PRESERVATION REQUIREMENTS:

Both parties have received notice of the Court's Supplemental Order to Order Setting Initial Case Management Conference, and have taken all affirmative steps necessary to preserve evidence related to the issues presented by this case, including, without limitation, interdiction of any document-destruction programs and any ongoing erasures of e-mails, voicemails, and other electronically recorded material.

(i) STIPULATED DISCOVERY LIMITS DIFFERENT FROM FEDERAL RULES:

None.

(j) PROPOSED DEADLINES AND COURT DATES:

Initial Disclosures Completed:	December 15, 2006
Fact Discovery Closes:	April 15, 2007
Expert Disclosures and Reports Due:	May 1, 2007
Rebuttal Expert Disclosures and Reports Due:	June 1, 2007
Expert Discovery Closes:	June 30, 2007
Last Date to File Dispositive Motions:	May 10, 2007

Last Date to Hear Dispositive Motions

June 14, 2007

Trial

August 20, 2007

(k) WHETHER A JURY WAS PROPERLY DEMANDED:

ACM included a jury demand when it filed the Complaint for Declaratory Judgment. Artisan did not include a jury demand when it filed its Answer and Counterclaims. Since only injunctive relief was sought by either party, Artisan does not believe that ACM has a right to a trial by jury, and the parties have agreed to meet and confer on this issue.

(l) WHAT DAMAGES AND OTHER RELIEF ARE SOUGHT:

Only injunctive relief was sought by either party.

(m) ADR PLAN:

The parties have agreed to mediation as a form of ADR. No specific plans have yet been made for mediation.

(n) CONSENT TO ASSIGNMENT OF THE CASE; ADDITIONAL PARTIES:

This case was initially assigned for trial to Magistrate Judge Trumbull before being reassigned to the Honorable William H. Alsup. ACM does not consent to assignment to a Magistrate Judge.

(o) SERVICE LIST OF ALL COUNSEL:

Attorneys for Plaintiff
ARTIS CAPITAL MANAGEMENT, LLC:

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Gregg S. Farano (Bar #221505)
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The parties jointly submit this Joint Case Management Conference Statement and respectfully request that it be adopted by the Court as the Case Management Order for the case.

DATED: November 15, 2006

Respectfully submitted,

SHARTSIS FRIESE LLP

By: /s/ James P. Martin

JAMES P. MARTIN

Attorneys for Plaintiff
ARTIS CAPITAL MANAGEMENT, LLC., a
California limited liability company,

1 DATED: November 15, 2006

Respectfully submitted,

2 BELL, BOYD & LLOYD LLC

3 By: /s/ Natalie Remien

4 NATALIE REMIEN

5 Attorneys for Defendant
6 ARTISAN PARTNERS LIMITED
7 PARTNERSHIP, a Delaware limited
8 partnership

9 **CASE MANAGEMENT ORDER**

10 The Case Management Conference Statement and Proposed Order is hereby adopted by
11 the Court as the Case Management Order for the Case, and the parties are ordered to comply with
12 this Order.

13 FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

14 DATE: _____

15 _____
16 The Honorable Judge William H. Alsup
United States District Judge

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